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OFFICE OF PETITIONS

In re Application of
Shaw
Application No. 10/068,374
Filed: February 6, 2002
Attorney Docket No. GC652

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 3, 2006, to revive the above-identified application. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office apologizes for any inconvenience.

The application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within two (2) months of the Notice of Appeal filed June 23, 2005. The Office mailed a Notice of Abandonment on January 11, 2006.

With the present petition, petitioner submitted a request for continued examination (RCE) under 37 CFR 1.114 accompanied by a submission and an authorization to charge the requisite fees. The Office notes that 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" be submitted. The statement presented will be accepted and construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the present petition.

Accordingly, the petition is **granted**.

This matter is being referred to Technology Center Art Unit 1652.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions